

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>5259-0000</b> U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/531507</b>
INTERNATIONAL APPLICATION NO. <b>PCT/JP2004/003301</b>	INTERNATIONAL FILING DATE <b>12 March 2004 (12.03.2004)</b>	PRIORITY DATE CLAIMED <b>14 March 2003 (14.03.2003)</b>
TITLE OF INVENTION <b>OPTICAL NODE DEVICE, NETWORK CONTROL DEVICE, MAINTENANCE-STAFF DEVICE, OPTICAL NETWORK, AND 3R RELAY IMPLEMENTATION NODE DECISION METHOD</b>		
APPLICANT(S) FOR DO/EO/US <b>OKI, Eiji; MISAWA, Akira; KATAYAMA, Masaru and OKAMOTO, Satoru</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:


1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Express Mail Transmittal (EV 570 176 688 US); Eng Trans of Formal Drawings (66 pgs); Form 1449 with ISR and 10 cited references (7 enclosed); Pub Int'l App WO 2004/082208 A1; Return Receipt Postcard**

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/531507</b>		INTERNATIONAL APPLICATION NO. PCT/JP2004/003301		ATTORNEY'S DOCKET NUMBER <b>5259-000051/NP</b>	
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee..... \$300				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$	
TOTAL OF 21, 22 and 23 =				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					0.00
SUBTOTAL =				\$	0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	0.00
TOTAL NATIONAL FEE =				\$	0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</b></p>					
<p>SEND ALL CORRESPONDENCE TO:          Gregory A. Stobbs          HARNESS, DICKEY &amp; PIERCE, P.L.C.          P. O. Box 828          Bloomfield Hills, MI 48303          United States of America</p>					
				<p>          SIGNATURE          David A. McClaughry          NAME</p>	
				<p>37,885          REGISTRATION NUMBER <u>April 14 2005</u></p>	

10/531507

JC13 PCT/PTO 14 APR 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EV 570 176 688 US

Date of Deposit: 14 April 2005

Application No.: Not Yet Assigned – National Phase of PCT/JP2004/003301

International  
Filing Date: 12 March 2004 (12.03.2004)

Applicant: Eiji OKI, et al.

Title: OPTICAL NODE DEVICE, NETWORK CONTROL  
DEVICE, MAINTENANCE-STAFF DEVICE, OPTICAL  
NETWORK, AND 3R RELAY IMPLEMENTATION NODE  
DECISION METHOD

Attorney Docket: 5259-000051/NP

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL TRANSMITTAL**

The following papers are being deposited with the United States Postal Service Express Mail Post Office to Addressee on 14 April 2005 and addressed for receipt by the United States Patent and Trademark Office:

1. Express Mail Transmittal (Label No. EV 570 176 688 US);
2. Transmittal Letter to the DO/EO/US Concerning  
a Filing Under 35 USC 371 (2 pages);
3. Application Data Sheet (4 pages);
4. English Translation of International Application (306 Pages);
5. English Translation of Formal Drawings (Figs. 1 – 87) (66 pages);
6. Signed Declaration and Power of Attorney (3 pages);
7. Preliminary Amendment (72 pages);
8. Assignment Cover Sheet and Assignment (3 pages);
9. IDS with Form 1449 (citing 10 references, 7 enclosed) and  
International Search Report for PCT/JP2004/003301;
10. Published International Application WO 2004/082208 A1; and
11. Return Postcard.

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
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Susan McGaw